

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATE OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. CR-20-240-F
)
)
BOBBY CHRIS MAYES,)
CHARLES GOOCH, and)
COURTNEY WELLS,)
)
Defendants.)

**SUPPLEMENTAL
MOTION TO PROVIDE DEFENDANT WITH
TRIAL TRANSCRIPT AT GOVERNMENT
EXPENSE AND MEMORANDUM IN SUPPORT**

Defendant, Charles Gooch, moves that he be provided a copy of the transcript of the government's closing argument and rebuttal argument as well as the transcript of the hearing held on the defense Motion for Mistrial from the above captioned case at the expense of the government. As grounds for this motion, Defendant shows the following:

1. Defendant is represented by court appointed counsel and is without funds to pay the costs of obtaining any portion of the trial transcript of this case.
2. Defendant has previously requested (Doc # 165) and an Order (Doc # 168) was entered to allow defendant to obtain the transcript of the trial at the

expense of the government. Counsel for Mr. Gooch has subsequently been advised that such request and Order would only allow for the transcript of the testimony of witnesses.

3. There were multiple instances of prosecutorial misconduct throughout the trial, the cumulative effect of which prejudiced the substantial rights of Mr. Gooch. Such statements were made throughout the trial and as a part of the government's closing argument. Therefore Mr. Gooch is in need of the transcript of the government's closing argument and rebuttal closing argument.

4. A portion of the government's prosecutorial misconduct was the basis for a Motion for Mistrial which was not granted. Therefore, Mr. Gooch is also in need of the transcript of the hearing related to the defense Motion for Mistrial.

5. Counsel for Mr. Gooch is in the process of preparing post-conviction motions and having the expanded trial transcript is necessary so that counsel may adequately convey the cumulative effect of the prosecutorial misconduct, and so that counsel for Mr. Gooch may accurately reference such instances in his motion or motions. No equivalent to the transcript exists.

6. Defendant has a legitimate, demonstrable need for the trial transcript to be used in the preparation of post-conviction motions. Equal protection requires that he be furnished the requested trial transcript at government expense. *Roberts v. LaVallee*, 389 U.S. 40 (1967).

WHEREFORE, Defendant Gooch asks that this motion be granted.

Respectfully submitted,

Dated: December 2, 2021

/s/ Joseph G. Shannonhouse, IV.

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Certificate of Service

I hereby certify that on December 2, 2021, I electronically transmitted the attached document to the Clerk of the Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

/s/ Joseph G. Shannonhouse, IV.
Joseph G. Shannonhouse, IV.